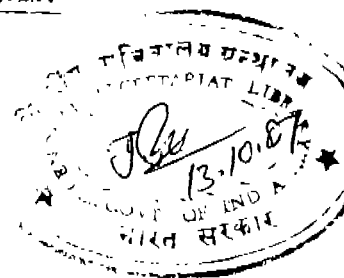




भारत का राजपत्र The Gazette of India



असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 31st July, 1987:—

BILL No. 66 OF 1987

A Bill further to amend the National Security Act, 1980, in its application to the State of Punjab and the Union territory of Chandigarh.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Security (Amendment) Act, 1987.

Short
title and
commence
ment.

(2) It shall be deemed to have come into force on the 9th day of June, 1987.

2. The National Security Act, 1980 (hereinafter referred to as the principal Act) shall, in its application to the State of Punjab and the Union territory of Chandigarh, have effect subject to the amendments specified in section 3.

Amend-
ment of
Act
65 of
1980 in
its
applica-
tion to
Punjab
and
Chandi-
garh.

Insertion of new section 14A.

3. In the principal Act, after section 14, the following section shall be inserted, namely:—

Circumstances in which persons may be detained for periods longer than three months without obtaining the opinion of Advisory Boards.

‘14A. (1) Notwithstanding anything contained in the foregoing provisions of this Act, or in any judgment, decree or order of any court or other authority, any person in respect of whom an order of detention has been made under this Act at any time before the 8th day of June, 1988 may be detained without obtaining the opinion of the Advisory Board for a period longer than three months, but not exceeding six months, from the date of his detention where such person had been detained with a view to preventing him from acting, in any disturbed area, in any manner prejudicial to—

- (a) the defence of India; or
- (b) the security of India; or
- (c) the security of the State; or
- (d) the maintenance of public order; or
- (e) the maintenance of supplies and services essential to the community.

Explanation 1.—The provisions of the *Explanation* to sub-section (2) of section 3 shall apply for the purposes of this sub-section as they apply for the purposes of that sub-section.

Explanation 2.—In this sub-section, “disturbed area” means any area which is for the time being declared by notification under section 3 of the Punjab Disturbed Areas Act, 1983, or under section 3 of the Chandigarh Disturbed Areas Act, 1983, to be a disturbed area.

32 of 1983.
33 of 1983.

(2) In the case of any person to whom sub-section (1) applies, sections 3, 8 and 10 to 14 shall have effect subject to the following modifications, namely:—

(a) in section 3,—

(i) in sub-section (4), in the proviso,—

(A) for the words “ten days”, the words “fifteen days” shall be substituted;

(B) for the words “fifteen days”, the words “twenty days” shall be substituted;

(ii) in sub-section (5), for the words “seven days”, the words “fifteen days” shall be substituted;

(b) in section 8, in sub-section (1), for the words “ten days”, the words “fifteen days” shall be substituted;

(c) in section 10, for the words “shall, within three weeks”, the words “shall, within four months and two weeks” shall be substituted;

(d) in section 11,—

(i) in sub-section (1), for the words "seven weeks", the words "five months and three weeks" shall be substituted;

(ii) in sub-section (2), for the words "detention of the person concerned", the words "continued detention of the person concerned" shall be substituted;

(e) in section 12, for the words "for the detention", at both the places where they occur, the words "for the continued detention" shall be substituted;

(f) in section 13, for the words "twelve months", the words "two years" shall be substituted;

(g) in section 14, in the proviso to sub-section (2), for the words "twelve months", the words "two years" shall be substituted.

24 of 1984.
60 of 1984.
23 of 1985.

4. The National Security (Amendment) Act, 1984, section 4 of the National Security (Second Amendment) Act, 1984 and the National Security (Amendment) Act, 1985 are hereby repealed.

Repeals.

Ord. 3 of
1987.

5. (1) The National Security (Amendment) Ordinance, 1987, is hereby repealed.

Repeals
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

During the last few months, the activities of the extremist and terrorist elements in the State of Punjab and the Union territory of Chandigarh have been a matter of serious concern. These elements indulged in violent activities and terrorist methods, including threats to persons involved in the investigation and prosecution of cases. Although the entire State of Punjab and the whole of the Union territory of Chandigarh had been declared as "disturbed areas" under the relevant Disturbed Areas Act, there had been no improvement in the effective prevention of these activities. While the deteriorating law and order situation had necessitated the imposition of the President's rule in the State of Punjab, further strong action was found necessary to prevent the terrorists from indulging in activities prejudicial to the security of the State and the maintenance of public order. The State Government had also requested the taking of suitable measures to enable it to take preventive action. Accordingly, the President promulgated on the 9th June, 1987 the National Security (Amendment) Ordinance, 1987 to provide for certain modifications in the application of the National Security Act, 1980 to the State of Punjab and the Union territory of Chandigarh.

2. The Ordinance provided for the following, among other things, namely:—

(a) to increase from 10 days to 15 days the maximum period within which grounds of detention may, in exceptional circumstances, be communicated to the detenu and to increase from 15 days to 20 days up to which the orders made by the officers referred to in subsection (1) of section 3 of the Act shall remain in force without the approval of the State Government;

(b) to provide in certain cases for detention of persons without obtaining the opinion of the Advisory Board for a period of more than three months but not exceeding six months from the date of their detention and to provide also in such cases for a longer maximum period of detention; and

(c) to make the necessary consequential amendments in the Act;

3. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

BUTA SINGH.

The 22nd July, 1987.

SUBHASH C. KASHYAP,
Secretary-General.